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Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm

Report of the Sixth Committee

Rapporteur: Mr. Isaias **Medina** (Bolivarian Republic of Venezuela)

I. Introduction

1. The item entitled "Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm" was included in the provisional agenda of the seventy-first session of the General Assembly pursuant to Assembly resolution 68/114 of 16 December 2013.

2. At its 2nd plenary meeting, on 16 September 2016, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 18th, 31st and 32nd meetings, on 20 October and on 4 and 7 November 2016. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records.[1]

4. For its consideration of the item, the Committee had before it the reports of the Secretary-General (A/71/98, A/71/136 and A/71/136/Add.1).

[1] A/C.6/71/SR.18, A/C.6/71/SR.31 and A/C.6/71/SR.32.

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II. Consideration of draft resolution A/C.6/71/L.20

5. At the 31st meeting, on 4 November, the representative of Czechia, on behalf of the Bureau, introduced a draft resolution entitled "Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm" (A/C.6/71/L.20).

6. At its 32nd meeting, on 7 November, the Committee adopted draft resolution A/C.6/71/L.20 without a vote (see para. 7).

III. Recommendation of the Sixth Committee

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm

The General Assembly,

Recalling its resolutions 56/82 of 12 December 2001, 61/36 of 4 December 2006, the annex to which contains the text of the principles on the allocation of loss in the case of transboundary harm arising out of hazardous activities, and 62/68 of 6 December 2007, the annex to which contains the text of the articles on prevention of transboundary harm from hazardous activities, as well as 65/28 of 6 December 2010 and 68/114 of 16 December 2013,

Emphasizing the continuing importance of the codification and progressive development of international law, as referred to in Article 13, paragraph 1 (*a*), of the Charter of the United Nations,

Noting that the questions of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm are of major importance in relations between States,

Taking into account the views and comments expressed in the Sixth Committee at previous sessions and at the current session of the General Assembly,[1]

1. *Commends once again* the articles on prevention of transboundary harm from hazardous activities, the text of which is annexed to General Assembly resolution 62/68, to the attention of Governments, without prejudice to any future action, as recommended by the International Law Commission regarding the articles;

2. *Also commends once again* the principles on the allocation of loss in the case of transboundary harm arising out of hazardous activities, the text of which is annexed to General Assembly resolution 61/36, to the attention of Governments, without prejudice to any future action, as recommended by the Commission regarding the principles;

3. *Invites* Governments to submit further comments on any future action, in particular on the form of the respective articles and principles, bearing in mind the recommendations made by the Commission in that regard, including in relation to the elaboration of a convention on the basis of the articles, as well as on any practice in relation to the application of the articles and principles;

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[1] See A/C.6/56/SR.11-13, 15-19, 22 and 23; A/C.6/61/SR.9-12, 14 and 21; A/C.6/62/SR.12 and 28; A/C.6/65/SR.17 and 27; A/C.6/68/SR.16, 28 and 29; and A/C.6/71/18. See also the reports of the Secretary-General containing comments and observations received from Governments (A/65/184 and Add.1; A/68/170; and A/71/136 and Add.1) and the reports of the Secretary-General containing a compilation of decisions of international courts, tribunals and other bodies (A/68/94 and A/71/98).

4. *Requests* the Secretary-General to submit a compilation of decisions of international courts, tribunals and other bodies referring to the articles and the principles;

5. *Decides* to include in the provisional agenda of its seventy-fourth session the item entitled "Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm".